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In re Application of :
PERSSON, et al. :
Application No.: 10/018,577 : DECISION ON PETITION
PCT No.: PCT/SE00/01207 :
Int. Filing Date: 09 June 2000 : UNDER 37 CFR 1.181
Priority Date: 11 June 1999 :
Attorney Docket No.: 000500-327 :
For: THE USE OF MOISTURE IMPERVIOUS :
PACKAGING UNITS AND PACKAGE FOR :
ABSORBENT ARTICLES COMPRISING :
MOISTURE-SENSITIVE ADDITIVES :

This decision is in response to applicant's "Request to Withdraw The Holding of Abandonment" filed 12 March 2002. The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 09 June 2000, applicant filed international application PCT/SE00/01207, which claimed priority of an earlier application filed 11 June 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 21 December 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 11 December 2001.

On 11 December 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an unexecuted declaration of the inventors; a First Preliminary Amendment; an Information Disclosure Statement; an International Preliminary Examination Report and a copy of the International Search Report.

On 15 February 2002, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) informing applicant that the application was abandoned as to the United States for failure to pay the full, U.S. basic national fee within thirty months of the priority date.

On 12 March 2002, applicant filed the present petition accompanied by a stamped

postcard.

DISCUSSION

Applicant has provided a legible copy of the receipt postcard which shows a USPTO date stamp, "OIPE JC48 Patent and Trademark Office DEC 11 2001" and clearly identifies, "Check for \$1,040.00" as well as listing applicant, application number and attorney docket number. The evidence is sufficient to establish that the application and payment of the full, U.S. basic national fee were received in the USPTO on 11 December 2001. As such, it is proper to **GRANT** applicant's petition at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The "Notification of Abandonment" (Form PCT/DO/EO/909) mailed 15 February 2002 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for the issuance of a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed declaration of the inventors and payment of the surcharge for providing an executed oath or declaration later than thirty months from the earliest claimed priority date are still required.



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